DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
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> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
>
> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kantor et al. (US.6, 558, 706).

Regarding claims 1 and 2, Kantor et al. teach a fragrance composition, wherein the fragrance is encapsulated in microspheres or particles, wherein the particles consist of polymeric surfactants including polymers of acrylic acid, methacrylic, vinyl pyridines, acrylamides, pyrrolidones (col. 2: 25- 60).

Regarding claims 3 and 4, Kantor et al. teach the composition, wherein the particles also comprise the polyvinyl alcohol (col. 3: 35: 63) with the molecular weight is about 31 to 50,000, and a degree of hydrolysis of the polyvinyl alcohol is between 87 and 89 percent (col. 4: 39- 48).

Regarding claims 5- 7, Kantor et al. do not teach the composition comprising polysaccharides, modified starch, and octenyl succinate modified starch.

Regarding claims 8-10, Kantor et al. teach the composition being able to use as fabric softeners, deodorants (col. 1: 16- 21). Kantor et al. do not teach the composition being able to use as humidity absorber.

The Office realizes that all of the claimed effects or physical properties are not positively stated by the reference(s). However, the reference(s) teaches all of the claimed ingredients. Therefore, the claimed effects and physical properties, i.e. being a humidity absorber would inherently be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be provided to support the applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties with only the claimed ingredients.

Regarding claim 11, Kantor et al. teach the composition comprising calcium chloride (col. 3: 65- 68).

Regarding claim 12, Kantor et al. teach the composition being used as a soap (detergent, col. 1: 16-21).

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Tsaur et al. (US. 5,246,603).

Regarding claim 13, Tsaur et al. teach the process of encapsulating a fragrance material comprising a step of dispersing oil phase including fragrance in water and soluble polymers including polyvinyl pyrrolidone, polyvinyl alcohol (col. 5: 30- 50), and then spray drying (col. 7: 3- 15).

Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Kantor et al. (US.6, 558, 706).

Regarding claim 14, Kantor et al. teach a fragrance composition consisting of particles that have been made by drying after an emulsion (example 1) consisting of a polymer and a fragrance (col. 1 line 54-col. 2 line 21). The fragrance can be in liquid form (col. 2 line 67). All other components listed in the reference are optional, even the crosslinking agent since the polymerization can occur via ultraviolet light or heat (col. 3 lines 35-38).

Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Kantor et al. (US.6, 558, 706).

Regarding claim 15, Kantor et al. teach a fragrance composition consisting of particles that have been made by drying after an emulsion (example 1) consisting of a polymer and a fragrance (col. 1 line 54-col. 2 line 21). The fragrance can be in liquid form (col. 2 line 67). All other components listed in the reference are optional, even the crosslinking agent since the polymerization can occur via ultraviolet light or heat (col. 3 lines 35-38).

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22-Aug-08